

***Remarks***

Reconsideration of this Application is respectfully requested.

Upon entry of the foregoing amendment, claims 1, 4-12, and 15-23 are pending in the application, with claims 1 and 12 being the independent claims. Claims 2, 3, 13, and 14 are sought to be cancelled without prejudice to or disclaimer of the subject matter therein. These changes are believed to introduce no new matter, and their entry is respectfully requested.

Based on the above amendment and the following remarks, Applicants respectfully request that the Examiner reconsider all outstanding objections and rejections and that they be withdrawn.

***Rejections under 35 U.S.C. § 112***

Claims 5, 6, 16, and 17 were rejected under 35 U.S.C. 112, first paragraph, as allegedly failing to comply with the enablement requirement. Applicants respectfully traverse this ground of rejection.

In support of his rejection, the Examiner argues:

Looking at the equation as stated by the applicant, there is no mention in the specification about the range of values of what the control variable Q would be. Using a value of 0 [zero], the equation becomes indefinite and does not work. The specification also does not teach how one ordinary [sic] skilled in the art of gaming would calculate the value of Q. Though examples are provided, there is not enough disclosure to for one ordinary skilled in the art to figure out what the applicant is trying to claim.

Office Action, p. 2.

There is no requirement in Section 112 that the specification must teach "how one ordinary skilled in the art of gaming would calculate the value of Q." It is sufficient that the Applicant provide enough information to enable a person skilled in the relevant art to make and use *the invention*. "Q" is not the *invention*. "Q" is a component that, when combined

with the other features described in the specification, allows one skilled in the art to make and use the *invention*.

The specification provides sufficient information about "Q" to enable one skilled in the art to use "Q" in the invention. With reference to one embodiment of the invention, the specification states:

[T]he control variable Q is set to 10. This variable acts to control the size of the modification to the base RTP% allocation to the second game. Increasing Q results in a greater change to the split to the second game in response to the ARTP%. Decreasing Q has the opposite effect. The Q variable can be used to tune the system for prevailing conditions.

Paragraph [0044].

It is abundantly clear that the specification describes "Q" in sufficient detail to enable one skilled in the art to use "Q" in the invention as a whole. The Examiner argues "Using a value of 0 [zero], the equation becomes indefinite and does not work." Quite obviously, therefore, one *skilled* in the art would not use a value of Q that would not work. The fact that Applicant did not provide a specific range of values for Q does not make either Q or the specification indefinite. It would be apparent to one *skilled* in the art that any reasonable value of Q can be used to make the invention work.

Therefore, withdrawal of the Examiner's rejection is respectfully requested.

### ***Rejections under 35 U.S.C. § 103***

Claims 1-23 were rejected under 35 U.S.C. 103(a) as being unpatentable over Crumby (U.S. Patent No. 6,471,591 B1) in view of Tracy (U.S. Patent No. 5,116,055). Applicants respectfully traverse this ground of rejection.

**Background discussion**

Electronic gaming machines typically have a designed return to player (RTP); that is, a predetermined proportion of the wagers made on the gaming machine will be returned in the form of prizes.

It is generally in the nature of gaming machines that the actual return to player over a given period will deviate from the designed return to player. Overall, however, over a sufficient period or number of plays, the actual return to player will approach the designed return to player.

It is known to link gaming machines together to enable the players thereof to participate in linked games such as linked jackpots. In at least some linked jackpots, a proportion of the wagers made at each of the linked gaming machines is allocated to a linked jackpot prize pool, from which the jackpot will be paid when it is triggered.

**Differences Between Invention and References**

As indicated above, the actual RTP typically deviates from the designed RTP over a given period of time. For example, the proportion of wagered funds that is paid out in prizes may fall below the expected proportion. If this occurs to too great a degree, this may have a discouraging effect on the player of a gaming machine. Embodiments of this invention seek to address this difficulty in that, deviation from the designed RTP at a given gaming machine causes a change in the proportion of the wager being allocated to the secondary game. In one embodiment, the circumstance that a gaming machine's actual RTP is lower than the designed RTP tends to increase the likelihood of that gaming machine being awarded the linked jackpot.

Thus, any discouragement caused by the perceived reduction in prizes paid by the gaming machine itself may be offset by an increased possibility of winning the jackpot prize.

Crumby discloses a system in which a number of gaming machines contribute to a linked jackpot. However, Crumby addresses a problem that a linked prize pool may grow at a rate which differs from a desired rate: too fast or too slow. If this should arise, the system taught by Crumby adjusts the size of prizes paid from the prize pool, or the likelihood of their being paid, to bring the size of the pool or its rate of growth back towards the designed parameters (*see* Col. 2, lines 34 - 45). Crumby does not teach a system in which the contributions of the respective gaming machines to the linked game are modified as a function of their respective actual return to player.

Tracy discloses a system for allowing multiple gaming machines having different characteristics (denominations, etc), to be linked to the same jackpot game such that each of the gaming machines contributes the same amount to the jackpot (*see* Col. 2, lines 10 - 19). This is directly the converse of the effect of the present invention, which modifies the contribution made by a respective gaming machine as a function of its respective actual return to player.

Therefore, withdrawal of the Examiner's rejection is respectfully requested.

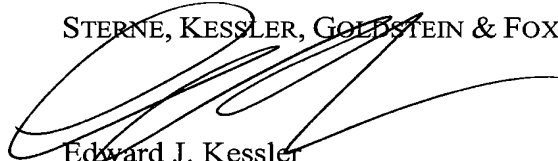
***Conclusion***

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

Respectfully submitted,

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Date: August 19, 2008

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